

## **APPENDIX 3: U.S. Department of Housing and Urban Development (HUD) Requirements for Safe Work Practices**

This appendix describes safe work practices required in HUD-funded work that disturbs known or presumed paint in housing built before 1978. The regulations can be found in the Code of Federal Regulations (CFR) at 24 CFR 35.1350. They can also be found through HUD's website at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead). The brief summary of HUD's requirements provided here will be useful if you work now or will work in the future on HUD-funded rehabilitation projects or other Federally assisted housing projects.

In most cases, it is the responsibility of the agency (public, non-profit, or private) that administers the rehabilitation project or the individual / organization who accepts HUD funds to make sure that HUD's requirements are followed. However, the contractors who work on HUD-funded projects are required to know and use the proper practices for set up, safe work practices, and clean-up. Contractors should also cooperate with the agency and property owners to make sure that the job is carried out safely.

The HUD regulations that apply most to contractors who do routine renovation, remodeling and rehabilitation that is funded by HUD relate to:

- Training Requirements
- Occupant Protection;
- Safe Work Practices;
- Cleanup; and
- Clearance.

### **TRAINING REQUIREMENTS**

Contractors who perform rehabilitation, maintenance, repainting, or interim lead-based paint hazard controls on most pre-1978 HUD-associated housing, and are disturbing paint that is known or presumed to be lead-based paint must have taken OSHA hazard communication training and a HUD-approved course in lead-safe work practices. If workers have not taken a lead safe work practices course they must be supervised by a certified lead-based paint abatement supervisor, who is responsible for assuring that the work is done safely and effectively.

There is an exception to the training requirement for jobs receiving no more than \$5,000 per dwelling unit in Federal rehabilitation funds. In such cases, HUD requires the use of safe work practices, and the local recipient will ensure that the work is performed safely.

### **OCCUPANT PROTECTION**

Contractors must take steps to protect occupants from lead-based paint hazards while the work is in progress.

- Occupants may not enter the worksite. Occupants are allowed to return only after the work is done and the home has passed a clearance examination that checks for deteriorated lead-based paint and harmful levels of lead-contaminated dust.
- Occupants' belongings must be protected from lead contamination. This can be done by removing them from the work area or covering them with protective sheeting and sealing it to prevent dust from getting on the items.
- The work site must be set up to prevent the spread of leaded dust and debris.
- Warning signs must be posted at entrances to the worksite when occupants are present; at the main and secondary entrances to the building; and at exterior work sites. The signs must be readable from 20 feet from the edge of the worksite. Signs must be in the occupants' primary language when practicable.
- It may be necessary to temporarily move occupants out of the unit if work will take several days and it involves kitchens, bathrooms, or bedrooms. This is the responsibility of the dwelling's owner.

## SAFE WORK PRACTICES

HUD prohibits several work practices (see exhibit 1, below). The safe practices described in Module 3 of this training are good alternatives to the prohibited practices listed here. Safe work practices are not required:

- If paint has been tested and found not to be lead-based paint by an EPA or State certified risk assessor or inspector, or
- If the work disturbs a total painted surface area that is:
  - Less than 20 ft.<sup>2</sup> on exterior surfaces;
  - Less than 2 ft.<sup>2</sup> in any one interior room or space; or
  - Less than 10 percent of the total surface area on an interior or exterior type of component with a small surface area like window sills, baseboards, and trim.

### Exhibit 1: HUD Prohibited Work Practices

- Open flame burning or torching.
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- Abrasive blasting or sandblasting without HEPA local exhaust control.
- Heat guns operating above 1,100 degrees Fahrenheit, or those that operate high enough to char the paint.
- Dry sanding or dry scraping.
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

There are several circumstances when limited use of these prohibited methods is allowed under HUD regulations:

- Dry scraping in conjunction with heat guns;
- Dry scraping within 1.0 ft of electrical outlets;
- Dry scraping deteriorated paint spots that total no more than 2 ft.<sup>2</sup> in any one interior room or space; or
- Dry scraping deteriorated paint spots that total no more than 20 ft.<sup>2</sup> on exterior surfaces.

**Note:** Use of paint strippers with methylene chloride can be hazardous and is prohibited in poorly ventilated areas (such as when the concentration will exceed the permissible exposure limit for methylene chloride).

## CLEANUP

Worksite clean-up removes dust and debris from the work area. Good clean-up is critical to passing the clearance exam and leaving the unit safe for habitation. Worksite clean-up must use methods, products, and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters or equivalent equipment, and wet cleaning with household or lead-specific detergents or equivalent products.

## THE CLEARANCE EXAMINATION

Clearance is a process to test the work site to assure that any lead in dust in the work area after the work has been completed does not exceed HUD standards. It also assures that there is no deteriorated paint that might contain lead remaining in the work area. After the work is done and before the residents can return, the work area or unit must pass clearance. In a clearance examination, a qualified, third-party, clearance examiner:

- Performs a visual assessment of the worksite or unit to look for deteriorated paint and visible amounts of dust, debris, paint chips or other residue. If these are found in areas where dust sampling is required they must be eliminated before continuing the clearance examination. If deteriorated paint is found, it must be stabilized using safe work practices. If visible dust and debris is found, it must be cleaned up;
- Takes several dust wipe samples from floors, interior window sills (stools), and window troughs and sends them to a laboratory for analysis. If leaded dust above HUD standards are found, the worksite or unit must be re-cleaned and another dust clearance test conducted.

It is usually the responsibility of the organization or owner overseeing the work to arrange for the clearance. However, it is often the contractor who is responsible for cleaning sufficiently to pass clearance. Some agencies may state in the construction contract that if clearance is not passed the first time, the contractor will be held responsible for paying for an adequate second cleaning and clearance test.

- Clearance must be performed by a certified examiner (a risk assessor, lead-based paint inspector, or lead sampling/clearance technician, according to EPA or State requirements), or a trained lead sampling/clearance technician whose work is approved by a certified risk assessor or lead-based paint inspector. Certified sampling technicians cannot conduct clearance after lead abatement, but only after other lead hazard control activities like paint stabilization, interim controls, maintenance or rehabilitation. State requirements for sampling technicians may vary, so the State regulatory authority should be consulted.
- Contractors cannot perform clearance on their own jobs. The HUD regulations state that the person conducting the lead hazard reduction activities and clearance must be independent of each other. However, an organization or owner that is responsible for regulatory compliance may use a qualified in-house employee to conduct clearance if that same employee does not conduct both 1) a hazard reduction, rehabilitation, or maintenance activity and 2) the clearance examination.

### Clearance Standards

If the test results equal or exceed the following standards, the dwelling unit, worksite, or common area fails the clearance examination.

- Floors: 40  $\mu\text{g}/\text{ft.}^2$
- Interior windows sills (stools): 250  $\mu\text{g}/\text{ft.}^2$
- Window troughs: 400  $\mu\text{g}/\text{ft.}^2$

Clearance is not required when:

- Maintenance or a lead hazard reduction activity at a worksite does not disturb painted surfaces; or
- If the total area of the painted surface disturbed does not exceed the following: (1) 20  $\text{ft.}^2$  on exterior surfaces; (2) 2  $\text{ft.}^2$  in any one interior room or space; or (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area like windowsills, baseboards, and trim.